UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,406	10/26/1999	JAMES M. BROWN	QCPA9900029	5890

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Qualcomm Incorporated
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EXAMINER
WILSON, ROBERT W

ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No.	Applicant(s)
	09/429,406	BROWN ET AL.
	Examiner	Art Unit
	Robert W Wilson	2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/12/03* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

1.0   The application of James M. Brown et al. for a "METHOD AND APPARATUS FOR
EFFICIENT DATA TRANSMISSION CONTROL IN A WIRELESS VOICE-OVER-DATA
COMMUNICATION SYSTEM" which was filed on October 26, 1999 without foreign priority.
The case was examined and Claims 1-5 are pending.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this
or a foreign country, before the invention thereof by the applicant for a patent.

2.0   Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by DeClerck (U.S.

Patent No.: 5,515,375)

Referring to Claim 1, DeClerk teaches: A method for transmitting time-sensitive

information over a wireless voice-over-data communication system, used in conjunction with a

predefined data protocol (Figs 1-6 show a method for sending voice and control messages or

time sensitive information via wireless which contains both a voice and SIGNAL MESSAGEs in

a predefined protocol), comprising the steps of:

defining a minimum segment size for information to be transmitted (1/8 per Fig 2)

defining a maximum segment size for information to be transmitted (Full per Fig 2 or col 4 lines

23-25), said second segment size greater than said first segment size (The meaning of this

limitation is not clear to the examiner. The examiner interprets this to maximum segment size to

be the sum of the voice and SIGNAL MESSAGE or Full as shown per Fig 2);

generating a first segment from said time-sensitive information if a sufficient quantity of said

time-sensitive information is available for transmission (CONTROL MESSAGE or first segment

per col 3 line 53 or col 6 line 20-28 or col 5 line 62-col 6 line 8 or per Fig 2), said first segment

having a segment size between said minimum segment size and said maximum segment size

(This limitation is unclear the examiner interprets this to mean that the first segment is the

CONTROL MESSAGE which can have a minimum size of 1/8 per Figs 2-6);

and generating a second segment having a segment size less than or equal to said maximum

segment size upon the occurrence of a predefined event (This limitation is unclear. The

examiner interprets this to be CODED VOICE DATA or second segment which is sent at less

than maximum rate because CONTROL MESSAGES must be sent per Figs 1-6 and per col 3

lines 4-8 or col 4 lines 10-15 or col 6 lines 20-27)

In Addition:

wherein said predefined event comprises the receipt of an acknowledgment message (The
CONTROL MESSAGE must be sent as an ACK per col 3 lines 4-8 or col 4 lines 10-15 or col 6
lines 20-27) as claimed in **Claim 2.**

wherein said maximum segment size is negotiated between a transmitter and a receiver (The
maximum vocoder rate and amount of signal message shown per Fig 2 is negotiated per col 4
lines 10-15 or col 4 lines 36-52 or segment size is negotiated between the parties or transmitter
and receiver) as claimed in **Claim 3.**

Claim Rejections - 35 USC § 103

3.0   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeClerck

Referring to Claim 4, DeClerk teaches: An apparatus for transmitting time-sensitive information over a wireless voice-over-data communication system, used in conjunction with a predefined data protocol (An apparatus for transmitting voice or time sensitive data by per Figs 3 or 4 which sends predefined data protocol per Fig 2 which is utilized for transmitting voice and SIGNAL MESSAGEs which are time sensitive data in a communication system), comprising:

means for negotiating a maximum segment size with a receiver (120 per Figs 3 or 4)

a memory for storing a minimum segment size (Memory is inherent in 120 per Figs 3 or 4 which can be a digital signal processor or microprocessor per col 7 lines 20-27. A memory must be present in order for the invention to work) ;

a queue for storing data frames (inherent in 120 per Figs 3 or 4 which can be a digital signal processor or microprocessor per col 7 lines 20-27. A queue must be present in order for the invention to work),

said data frames representing time sensitive information (The frames represent voice and CONTROL MESSAGES or time sensitive per Fig 2);

and a first processor for generating at least one segment from said data frames stored within said queue when a segment size greater than or equal to said minimum segment size can be generated from said data frames. (120 per Figs 3-4 and per col 7 lines 20-27 or first processor

In Addition:

Vocoder (110 per Fig 3 or 4) as claimed in Claim 5

DeClerck does not particularly teach: queue or memory but teaches a digital signal processor or microprocessor per col 7 lines 20-27.

It would be obvious to one of ordinary skill in the art at the time of the invention to that the memory and a queue must be present in the Digital Signal Processor or Microprocessor of DeClerk in order for the invention to work.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.0   Claims 1-3 are rejected relative to 112/2nd paragraph.

Referring to claim 1, Claim 1 recites "said second segment size greater than said first

segment size" per Pg 13 lines 5-6 which lacks antecedent basis. What is meant by a "first

segment size" and "second segment size"? Claims 2 and 3 are dependent upon Claim 1 and are

consequently also rejected.

5.0   *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's
disclosure.

Yip et al. U.S. Patent No.: 6,104,726 dated 8/15/200 in which he discloses sending voice and

data over a wireless link in which voice is inserted into the data frame.

Rubin et al. U.S. Patent No.: 6,567,428B1 dated 5/20/03 in which VOICE and SIGNAL DATE

per Fig 4 share the same maximum frame size and are sent over a wireless link.

Gerszberg et al., U.S. Patent No. : 6,307,839B1 dated 10/23/01 in which wireless is sent to 22 or

32 per Fig 1 and the frame is dynamically allocated per Figs 6A and 6B respectively.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Robert W Wilson whose telephone number is 703/305-4102. The examiner

can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 872-9314 for regular

communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-4700.

Robert W Wilson
Examiner
Art Unit 2661

RWW
June 24, 2003

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